

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Kelvin L. James,

Plaintiff

V.

Ely State Prison,

Defendant

Case No. 2:25-cv-00502-JAD-DJA

Order Denying Motion for Default

ECF No. 14

Plaintiff Kelvin James brought this civil-rights action under 42 U.S.C. § 1983, claiming that his rights under the Fourteenth Amendment and a Nevada statute were violated when prison officials withdrew or refused to withdraw funds from his inmate savings account while he was incarcerated at Ely State Prison. James's original complaint was dismissed with leave to amend, and his first amended complaint awaits screening. Although this case has not yet been permitted to proceed, and no summons has been issued, James has filed a motion for default.

As James has been advised in the screening order in this case—and in several of his other cases¹—seeking a default before the defendants are served with legal process is premature. Repeatedly filing such requests is a waste of this court’s limited resources and only further delays the resolution of cases. Because no defendant in this case has yet been served, no defendant is in default. **James’s motion for default [ECF No. 14] is**

¹ See ECF No. 9 at 7 & n.26.

1 **therefore DENIED.** James is cautioned that future motions for default or default
2 judgment filed before any defendant has been served may be struck without further prior
3 notice.

A handwritten signature in blue ink, appearing to read 'Dorsey', is written over a horizontal line.

U.S. District Judge Jennifer A. Dorsey
October 24, 2025